

REMARKS

Claim 12 is added, and therefore claims 6 to 12 are now pending in the present application.

Applicants respectfully request reconsideration of the present application in view of the following remarks.

With respect to paragraph two (2) of the Final Office Action, claims 7 to 11 were objected to because of informalities. While the objections may not be agreed with, to facilitate matters, claim 7 has been rewritten herein without prejudice. It is therefore respectfully requested that the objections to claim 7 and its dependent claims 8 to 11 be withdrawn.

With respect to paragraph four (4) of the Final Office Action, claims 6 to 11 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,199,903 ("Brambilla").

Claim 6 relates to a system for triggering a restraint system in a vehicle and provides for at least a first stage and a second stage of deployment. Triggering of the second stage of deployment of the airbag is determined as a function of a combination of at least one criterion and the closing velocity. The "Brambilla" reference does not identically disclose (nor even suggest) the feature of "triggering of the second stage of deployment of the airbag . . . as a function of *a combination* of the at least one criterion and the closing velocity," as provided for in the context of the claim.

The Final Office Action, at paragraph six (6), conclusorily asserts that the crash parameter detector of the "Brambilla" reference corresponds to the precrash sensor of the presently claimed subject matter. In fact, the "Brambilla" reference does not identically disclose (or even suggest) the feature in which triggering of the second stage of deployment of the airbag is determined as a function of a combination of the at least one criterion and the closing velocity, as provided for in the context of the presently claimed subject matter.

In particular, the cited text, at col. 7, lines 45 to 58 of Brambilla makes plain that it uses a CRASH-CAUSED SPEED REDUCTION DV as a function of time. In stark contrast, the presently claimed subject matter uses a closing velocity – which is simply different than a CRASH-CAUSED SPEED REDUCTION DV

In contrast, the presently claimed subject matter specifically provides for *a combination* of the at least one criterion and the closing velocity and the specification specifically supports this feature in paragraph [0017] ("These two parameters [signals from the

acceleration sensor 42 and the precrash sensor 41] enter into deployment algorithm 33 which is computed by processor 44. The result is the deployment time for the second airbag stage.”). No such combination, as provided for in the context of the presently damaged subject matter is identically disclosed (nor even suggested) in the “Brambilla” reference. Therefore, the “Brambilla” reference does not identically disclose (nor even suggest) the features of “triggering of the second stage of deployment of the airbag . . . as a function of *a combination* of the at least one criterion and the closing velocity,” as provided for in the context of the claimed subject matter. For at least these reasons, claim 6 is allowable, as are its dependent claims.

As further regards claim 9, which depends from claim 6, it further provides that the second stage of deployment of the airbag is not triggered if the closing velocity is below a predetermined threshold. The “Brambilla” reference does not identically disclose (nor even suggest) the feature of not triggering the second stage of deployment of the airbag if the *closing velocity* is below a threshold. The Final Office Action, at paragraph eight (8), asserts that cites the “Brambilla” reference at column 7, line 55, discloses this feature. In fact, however, the cited portion of the “Brambilla” reference simply does not describe closing velocity, since it refers to a CRASH-CAUSED SPEED REDUCTION DV (Figure 3; and column 7, lines 45 to 58) as a function of the acceleration signal. This signal is not based on any closing velocity, and therefore does not and cannot anticipate claim 9. For at least the reasons explained above claim 9 is also allowable for this further reason.

Accordingly, claims 6 to 10 are allowable.

New claims 12 to 14 do not add any new matter and are supported by the present application, including the specification.

Claim 12 depends from claim 6, and further provides that the “*closing velocity is used in determining the first stage of deployment and in determining the second stage of deployment*”. Any review of the applied reference makes plain that it does not disclose this feature. Accordingly, claim 12 is allowable for the same reasons as claim 6 and for this further reason.

Claim 13 is a new independent claim, which provides that “*at least three categories are defined as a function of the time of deployment for the first stage of airbag deployment and the closing velocity, and wherein a time of deployment for the second stage of airbag deployment is determined as a function of the defined category, the at least three*”

categories include a first category corresponding to non-deployment of the first stage, a second category corresponding to deployment of the second stage, and a third category corresponding to deployment of the second stage”, and that the “first and second categories share a common boundary as a function of a closing velocity and a deployment time of the airbag in the first stage, and wherein the second and third categories share another common boundary as a function of a closing velocity and a deployment time of the airbag in the first stage”, and that the “second stage of deployment of the airbag is not triggered if the closing velocity is below a predetermined closing velocity threshold associated with the common boundary”. Accordingly, claim 13 is allowable because these further features are simply not identically disclosed by the applied reference. For example, it is plain that the closing velocity of the claimed subject matter is wholly different than the CRASH-CAUSED SPEED REDUCTION DV used in the Brambilla reference, as any person having ordinary skill would plainly understand.

Accordingly, claim 13 is allowable for these reasons, as is its dependent claim 14.

Claims 6 to 14 are therefore allowable.

CONCLUSION

It is therefore respectfully submitted that claims 6 to 14 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

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